



# *Small Business Regulatory Review*

## *Board Quarterly Newsletter*

No. 4

*Department of Business, Economic Development, and Tourism*

*January 2004*

### *Best Wishes for a Healthy and Prosperous 2004 from the Small Business Regulatory Review Board*

#### *Board Meetings*

The Review Board is interested in hearing about any regulatory issues you may have. Please come to one of the following board meetings scheduled for 2004, listed below. The meetings are held at the No. 1 Capitol District Building, 250 South Hotel Street, Honolulu, in Room 410, and begin at 11:00 a.m.

January 28th  
February 10th  
March 9th

April 13th  
May 11th  
June 8th

July 13th  
August 10th  
September 7th

October 12th  
November 9th  
December 7th

#### *New Board Members*

The Board is very pleased to welcome its two newest members - Ms. Joyce Edwards, co-founder and owner of The Systemcenter, Inc., in Oahu, and Ms. Jeanette Otsuka Chang, President of Otsuka's Furniture & Appliances in Kauai. The Board is now operating at full capacity, with eleven members.

#### *Administrative Rule Review from October to December 2003*

The Board reviewed several rules this quarter. The following is a brief synopsis of the Board's commentary regarding each rule.

- 1) "Unencumbered Public Lands," Chapter 13-221, Department of Land and Natural Resources – The Board supports the rules with reservations due largely to concerns with the permitting process.
- 2) "Contractors," Chapter 16-77, Department of Commerce and Consumer Affairs – The Board supports the rules and determined that the proposed amendments were rational, and any impact to small business was necessary.
- 3) "Substance Abuse Testing by Laboratories," Chapter 11-113, Department of Health – The Board supports the rules, which do not appear to have any significant small business impact.
- 4) "Historic Preservation Program," Chapter 13-275 to 13-284, Department of Land and Natural Resources – The Board supports these rules, which have been adopted.
- 5) "Safety and Health Professional\*," Chapter 12-58, Department of Labor and Industrial Relations – The Board supports these rule changes which bring the State language in line with the Federal language.
- 6) "Native Rehabilitation Program," Chapter 10-3, Department of Hawaiian Home Lands – The Board supports the amended rules, which affect Lanai.
- 7) "Occupational Injury and Illness Recording and Reporting Requirements\*" Chapter 12-52, Department of Labor and Industrial Relations – The proposed rules bring the State in line with Federal guidelines, and the Board supports those changes.
- 8) "General, Legal, and Administrative Provisions\*," Chapter 12-50, Department of Labor and Industrial Relations – The Board supports the rule changes, as there is no negative impact on business.
- 9) "Nurses," Chapter 16-89, Department of Commerce and Consumer Affairs – There appears to be no direct impact on small business; the Board supports the rules.
- 10) "Estate and Transfer Tax," Chapter 18-236D, Department of Taxation – The Board supports the rule changes.
- 11) "Residence Status, Factors Considered," Chapter 18-235-1.08, Department of Taxation – The Board determined there is no small business impact.
- 12) "Deposit Beverage Container Recycling," New proposed rules, Department of Health (DOH)– The Board does not support the proposed rules in their current draft form, and recommends that DOH approach all those small businesses and business related associations that are impacted by the rules to educate them and determine exactly what impact the rules will have.
- 13) "Military Housing Privatization Initiative Program General Excise and Use Tax Exemptions, Department of Human Services – The Board supports the concept that military housing is below standards and the proposed rules a way to provide upgraded facilities at lower costs.

\*According to 201M §2 (7) (d) the Board is not required to review "proposed rules adopted by an agency to implement a statute or ordinance that does not require an agency to interpret or describe the requirements of the statute or ordinance, such as federally-mandated regulations which afford the agency no discretion to consider less restrictive alternatives."